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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,111	12/14/2001	William R. Matz	01372	6465

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AT&T Legal Department - SZ
Attn: Patent Docketing
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EXAMINER	
ALVAREZ, RAQUEL	

ART UNIT	PAPER NUMBER
3688	

MAIL DATE	DELIVERY MODE
06/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/017,111	MATZ ET AL.	
	Examiner	Art Unit	
	Raquel Alvarez	3688	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 March 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4,6-15 and 18-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4,6-15 and 18-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is in response to communication filed on 3/10/2009.

2. Claims 1-4, 6-15, 18-38 are presented for examination.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification doesn't disclose receiving clickstream data describing actions performed by the user while viewing the content selections. The specification only shows support for receiving computer viewing at Figure 2, item 31 but no support or lack of written description was found for the computer viewing to include clickstream data describing actions performed by the user while viewing the content selections and generate merged data describing the clickstream data and the content information. Correction is required.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1-4, 6-15, 18-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Williams (2002/0049631 hereinafter Williams) in view of Knudson et al. (WO 99/45702 hereinafter Knudson).

With respect to claims 1-4, 6-7, 9, 12-13, 30-31 and 38, Williams teaches a method for marketing (Abstract). Defining a match between a user classification and an incentive (i.e. database 48 stores electronic incentive offers stored in association with unique customer identifications)(paragraph 33); receiving content information describing at least one user's content selections (i.e. sending viewing information to a central location)(paragraph 35); receiving the user's credit card purchases describing purchases from retail stores POS(see Figure 1); classifying the user by the processor in a user classification when the user's viewing relate to the user's purchase records (i.e. identifying products and offers based on advertisements viewed are stored in the database 48 and the system correlate database 48 with purchase data in order to match the coupons)(paragraphs 36-37).

With respect to receiving clickstream data describing actions performed by the user while viewing the content selections and to generate merged data describing the clickstream data and the content information over time. Williams teaches on paragraphs 0029 and 0035 the selection of the content being Online using a website, in that context it would have been obvious for the user to click on the webpage while viewing content in order to select particular items of interest and to merge the data describing the clickstream data and the content information because such a modification would allow

advertisers and the like to have knowledge of the user's clickthroughs in order to keep track of the users likes and interests and would allow for better targeted advertisements.

Williams teaches classifying the user based on advertisements watched on TV. Williams doesn't specifically teach the television viewing being user's selections such as channel watched and the amount of time the channel is watched. Knudson teaches classifying a user based on channel watched, the volume watched and the time of day and days of the week and days of month watched (i.e. if a user watches sports channel, the user is classified as being athletic and therefore will receive advertisements related to athletic shoes)(page 29, lines 11 to page 30, linesl-6). It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included in Williams 1, the teachings of Knudson of the user TV viewing being selected by the users such channel watched and the amount of time the channel is watched in order to monitored user's channels selections and classify the user based on his or her intended choice.

With respect to claims 15, 19, 21, 24, 27 and 37 Williams, teaches a system for delivering targeted incentives to a user (Abstract). A processor executing code stored in a memory that causes the processor to receive at least one user's content viewing associated with a set-top box (i.e. sending from a set-top box user television viewing information to a central location)(paragraph 35); receive at least one user's credit card purchase records describing the at least one use's purchases (see Figure 1); define a match between a user classification and an incentive (i.e. database 48 stores electronic incentive offers stored in association with unique customer identifications)(paragraph

33); classify the at least one user in a user classification when the at least one user's content selection relate to the at least one user's purchases (i.e. redeemable electronic coupon incentives embedded on the television program identifying a product and offered based on advertisements viewed are stored in the database 48 and the system correlate database 48 with purchase data in order to match the coupons)(paragraphs 36-37).

With respect to receiving clickstream data describing actions performed by the user while viewing the content selections and to generate merged data describing the clickstream data and the content information over time. Williams teaches on paragraphs 0029 and 0035 the selection of the content being Online using a website, in that context it would have been obvious for the user to click on the webpage while viewing content in order to select particular items of interest and to merge the data describing the clickstream data and the content information because such a modification would allow advertisers and the like to have knowledge of the user's clickthroughs in order to keep track of the users likes and interests and would allow for better targeted advertisements.

Williams teaches classifying the user based on advertisements watched on TV. Williams doesn't specifically teach the television viewing being user's selections such as channel watched and the amount of time the channel is watched. Knudson teaches classifying a user based on channel watched, the volume watched and the time of day and days of the week and days of month watched (i.e. if a user watches sports channel, the user is classified as being athletic and therefore will receive advertisements related to athletic shoes)(page 29, lines 11 to page 30, linesl-6). It would have been obvious

to a person of ordinary skill in the art at the time of Applicant's invention to have included in Williams 1, the teachings of Knudson of the user TV viewing being selected by the users such channel watched and the amount of time the channel is watched in order to monitored user's channels selections and classify the user based on his or her intended choice.

With respect to claims 8, 11, 18, 20 and 23, Williams further teaches whether a product associated with the incentive was purchased (i.e. further benefits or incentives are provided to the user based on obtained purchase data and advertisements selected)(paragraphs 35 and 37).

Claims 10, 22 further recites that the user data comprises survey data. Official notice is taken that is old and well known in marketing to ask consumers questions about their likes and dislikes and to record the answers to those questions in order to better target the users based on their answers. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included survey data in order to obtain the above mentioned advantage.

Claims 14, 26, 28 further recite that the incentive comprises a banner/a video program. Official Notice is taken that banners are well known form of a graphic image that runs across the top, bottom, or side margin of a Web page and also for the incentive to be via a video program in order to attract viewers. It would have been

obvious to a person of ordinary skill in the art in the system of Williams for the incentive to have comprised a banner or a video program in order to attract the user to the incentive.

Claim 25, 29 further recites that the viewing selections comprises video games. Official Notice is taken that it is old and well known for users to select video games on. their video games such as part of Comcast ® subscribers. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included viewing selections comprises video games in order to attract younger viewers.

Claim 32 further recites identifying the incentive by demographic. Official Notice is taken that it is old and well known to issue discounts based on demographic. For example, issuing a computer coupons for households making more than $50,000 yearly in order to increase the likelihood that the coupon will be redeemed. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included identifying the incentive by demographic in order to achieve the above mentioned advantage.

Claim 33 further recites transmitting the incentive to the user by mail. Official notice is taking that it is old and well known to provide incentives to the user by mail. For example, advertisements are old and well known to be sent to the users by mail in order to cast a large group of people. It would have been obvious to a person of

ordinary skill in the art at the time of Applicant's invention to have included transmitting the incentive to the user by mail in order to obtain the above mentioned advantage.

Claim 35 further recites receiving records related to a shopping card in which the user is given a discount in exchange for using the shopping card. Official notice is taken that it is old and well known in marketing to give incentives or discount to the user to motive them to use a preferred method of payment or the like. For example, Macy's department stores have been giving a discount to their customers if they make purchases with their Macy's card for many years. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included. receiving records related to a shopping card in which the user is given a discount in exchange for using the shopping card in order to obtain the above mentioned advantage.

Claims 36-37 further recite receiving a separate identification codes identifying each user of a common user terminal. Official notice is taken that it old and well known to use codes or passwords to identify each user of a common terminal. For example, Microsoft XP interface allows each user of a common terminal to enter a password in order to identify each of the user of the system. It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to have included receiving a separate identification codes identifying each user of a common user terminal in order to distinguish one user from the other user of the same terminal.

Response to Arguments

7. The 101 rejections have been withdrawn.

8. Applicant's arguments pertaining to receiving clickstream data describing actions performed by the user while viewing content selections have been considered but are moot in view of the new ground(s) of rejection.

9. With respect to the Official Notice taken that the collection of survey data is known, Applicant argues that survey data is unknown in the field of viewing habits. Applicant doesn't challenge that collecting survey data is not known but nevertheless, argues that it is not known in the field of viewing habits. The Examiner wants to point out that the Examiner made a general statement as to the well known process of collecting data regarding the customers/users likes and dislikes by using a survey and the like for marketing purposes and nothing excludes or prohibits this teachings to be applied to any field including user's viewing habits. Therefore the Official Notice is maintained.

Conclusion

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raquel Alvarez whose telephone number is (571)272-6715. The examiner can normally be reached on 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James w. Myhre can be reached on (571)272-6722. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Raquel Alvarez/
Primary Examiner, Art Unit 3688

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Primary Examiner
Art Unit 3688

R.A.
6/11/2009